IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.489 Of 2000.

Smt. Sita Devi @ Sita Kumari & Another

Versus

Smt. Bhanwari Devi

S.B. Civil Second Appeal No.146 of 2000

Smt. Bhanwari Devi Vs. Chhtrapal Singh & Another

Date Of Order ::: 01.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

APPEARANCE : In S.B. C.S.A. No.489 of 2000.
Mr. B.K. Sharma, G.A., for defendant-appellant.
Mr. R.A. Sharma, on behalf of
Mr. S.R. Surana, Counsel for plaintiff-respondent.
APPEARANC : In S.B. C.S.A. No.146/2000.
Mr. R.A. Sharma, on behalf of
Mr. S.R. Surana, Counsel for plaintiff-appellant.

By the Court :

Heard learned counsel for both the parties.

These two appeals, under Section 100 of the Code of Civil Procedure, 1908, are directed against the judgment and decree dated 18.11.1999 passed by the Additional District Judge No.1, Jaipur City, Jaipur in Civil Regular Appeal Nos.10/1999/22/1999 (174/1999) (167/1999).

The plaintiff Smt. Bhanwari Devi instituted a suit for possession and mandatory injunction in the Lower Court in respect of the property in dispute, which was decreed by the Lower Court. Being aggrieved with the same an appeal was preferred by the defendants. The First Appellate Court dismissed the appeal. Being aggrieved with judgment and decree passed by the First Appellate Court, the plaintiffs as well as the defendants, both have preferred these appeals.

I have considered the submissions of learned counsel for both the parties in the light of the findings of both the Courts below and after considering the submissions of learned counsel for both the parties as well as the findings of both the Courts below, I find that the controversial issues involved in the present case are relating to the question of facts and there is a concurrent finding of fact recorded by both

the Courts below in this regard, which cannot be interfered with by this Court in second appeal under Section 100 of the Code of Civil Procedure, 1908.

No illegality or perversity has been pointed out by the learned counsel for both the parties in the judgment and decree passed by both the Courts below.

No substantial questions of law are involved in these second appeals and the same are accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

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